**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

Writ Petition No.8475 of 2006

Mr Avinash B Night. ..Petitioner.
vs
The State of Maharashtra and ors. ..Respondents

Mrs A.P. Madhuri for the petitioner.
Mr.R.D.Rane Government Pleader.

**CORAM: H.S. BEDI, C.J. ,&**
**V.M.KANADE, J.**
**DATE: 21st December, 2006.**

**P.C.:-**

1. Heard Ms Madhuri, learned counsel, in support of this petition. Mr Rane, learned Government Pleader, appears for the respondents.

2. The petition has been filed to seek the release of Tempo bearing Registration No.MH-14-F-7169. This vehicle is more than 10 years old and since it is a commercial vehicle, it is not permitted to ply in the City of Mumbai and had been seized on 16th December 2006. Ms Madhuri, learned counsel appearing for the petitioner, states that the petitioner is ready to shift the vehicle outside the city of Mumbai.

2. Mr. Rane learned Government Pleader appearing for the respondents points out that, in such cases, the petitioner be

directed to deposit a certain amount of money as penalty for the violation of the relevant law.

4. As no useful purpose would be served in keeping the vehicle in the circumstances , we allow this petition on the following terms.

a) The petitioner will file an undertaking with the RTO that he will move the vehicle outside the Greater Mumbai area within two weeks from today.

b) Before removing the vehicle, he will deposit the amount of Rs. 10,000 with the RTO as penalty.

Petition is allowed in the aforesaid terms.

CHIEF JUSTICE

V.M.KANADE, J.